

IN THE DRAWINGS:

A new replacement Fig. 1A and a new replacement Fig. 2 are being submitted with this Amendment to overcome the objections with regard to the drawings in the previous Office Action. In particular, the new Fig. 1A and Fig. 2 show the sleeve as schematically represented by the element with numeral 99. Applicant has marked the changes in Fig. 1A and Fig. 2 with circles to highlight the changes which have been added to the original drawings of Fig. 1A and Fig. 2. As can be seen from the original Fig. 2, the element inside the coupling 20 already included but did not label the sleeve 99 as claimed. Similarly, the sleeve 99 is schematically represented in the Fig. 1A but has not been labeled as element 99 due to a typographical error. Applicant requests that the Examiner approve the replacement drawings of Fig. 1A and Fig. 2 as submitted.

bicycle. The main highlight of this claim provides for a lug 3 connecting handle bar 2 with a sleeve of the bike, within which the lug, the brake pump is being held. Therefore, even if the reference of the Andrus '675 discloses a throttle assembly 126 and a clamp 128 which may be referred to as "lugs" (and this is highly debatable), the main feature of claim 2 is not anticipated by the Andrus '675 reference.

Furthermore, the handle bar extension of the Andrus '675 reference is arranged between the handle grip and the handle bar and therefore, it does not anticipate a bike lug connecting the handle bar to the steering stand. Thus, claim 2 is not anticipated by the Andrus '675 reference.

The dependent claims 4, 5, 11 and 12 depend on the independent claim 1 and any claims in between. Because claim 1 is not anticipated by Andrus '675 reference, it is Applicant's position that the dependent claims which also include the combination of features of the Andrus '675 reference, are also not anticipated nor suggested by the Andrus '675 reference.

CLAIM REJECTION - 35 USC § 103

Claim 3 has been rejected under 35 USC § 103(a) as being unpatentable over Andrus '675 reference in view of Modolo (U.S. Patent No. 4,771,649, "Modolo '649", hereinafter).

The rejection is based on the position that the Andrus '675 reference discloses a device that can be modified so that it can be actuated inside "the two arms" as broadly claimed of a raising type handle bar and it would have been obvious in view of the Modolo '649 reference to offer a more stream lined and aerodynamic setup. The Modolo '649 reference discloses a bicycle brake actuating device including a brake lever 21 hinged in such a way to turn around

an axis X substantially parallel to the supporting axis of a cyclists hand where the brake lever can be supported by two tabs placed on the hands supporting handle. A holding cavity 40 is preferably utilized to receive the transmission of the brake lever and the mechanism that is part of the actuating device. The teachings of the Modolo '649 reference are different from a situation in which the claimed apparatus where the pump is held within the handle bar and is not an extension where the technical advantage of implementing the brake function while maintaining the same dimension of the handle bar is not anticipated nor suggested by the Andrus '675 reference in view of the Modolo '649 reference. Claim 3 which depends on the independent claim 1 provides for the handle bar of a sprint rays type with two curved arms with the pump inside the two arms of the handle bar. Applicant notes that a person skilled in the art will recognize that a bike handle bar can either be directly connected to the steering stand (Figure 2, claim 3) or be connected to the stem through a lug (Figure 1, 1A, 1B, claim 2).

According to the embodiment of claim 2, the brake pump is contained within the lug with the advantage of avoiding the necessity of separate parts containing the pump (Andrus '675 reference), or the need of providing enlarged dimensions of the existing parts.

In this connection, it has to be noted that also Modolo '649 reference discloses an apparatus in which the brake pump contained inside a cavity provided in the handle grip (and not in the handle bar or in the lug) and protruding over the tube forming the handle bar (column 1, lines 47-53). Therefore, it is Applicant's position that claim 2 is not anticipated nor suggested by Andrus '675 reference in view of the Modolo '649 reference.

Claims 6, 7 and 8 depend on the independent claim 1 and also include the combination of features as highlighted in the independent claim 1. Therefore claims 6, 7 and 8 are not

anticipated nor suggested by the combination of references of Andrus '675 reference and the Modolo '649 reference.

Claim 9 has been rejected under 35 USC § 103(a) as being unpatentable over Andrus '675 reference in view of Leitner (U.S. Patent No. 5,632,362, "Leitner '362", hereinafter).

It is Applicant's position that the Andrus '675 reference in view of Leitner '362 reference fail to disclose and fail to suggest the present invention as claimed. Similar to the above analysis, claim 9 depends on the independent claim 1 and includes all the combination of features provided by claim 1. Leitner '362 reference discloses a disk braking assembly with a compact light weight braking arrangement in which hydraulic fluid is utilized to provide a greater braking power. Durability and reliability are achieved by use of a compensating chamber and piston having a compensating piston biasing member.

The rejection states that Andrus '675 reference lacks a specific showing of the piston-cable-lever connection and relies on the Leitner '362 reference to disclose the alternative connection at 26, 28 and 70, 72. However, neither of the references disclose the claimed apparatus providing the pump within the handle bar and not provided as an extension. Therefore, claim 9 is not anticipated nor suggested by the combination of references of the Andrus '675 reference and Leitner '362 reference.

Claim 10 has been rejected under 35 USC § 103(a) as being unpatentable over Andrus '675 reference in view of Leitner '362 reference and also in view of Lemarchand (U.S. 3,729,070, "Lemarchand '070", hereinafter) or the D'Aluisio (U.S. Patent No. 5,099,958, "D'Aluisio '958", hereinafter). Claim 10 depends on the independent claim 1 which discloses the pump held within the handle bar and not provided as an extension. The D'Aluisio '958

reference discloses a calibrator brake for a bicycle comprising a pair of pivot mounts one of which is mounted on a bicycle member laterally of a wheel rim, one on either side of the wheel, where the brake arm is pivotably mounted in a cantilevered relation on each pivot mount adjacent its lower end, and is biased away from the wheel rim and carries a brake shoe intermediate to its ends. Lemarchand '070 discloses a manual release mechanism for an emergency and parking brake control system utilizing a fluid pressure operated spring cylinder with a transmission cable stretched between the piston contained in this cylinder and a brake control lever being guided by a sheath, the ends of such sheath taking anchor on a pair of stops respectively connected to stationary parts. The mechanism comprises two relatively slidable members, one connected to one of the stops, the other one connected to the adjacent stationary parts, these members being normally locked in the position of their maximum extension, the release of the emergency brake is obtained by releasing the locked members, thereby allowing the stop of the sheath to move to a position in which the tension of the cable is relieved.

The rejection states that one having ordinary skill in the art at the time of the invention would have found it obvious alternative equivalent means of actuating the piston assembly of Andrus '675 reference using a lever-cable connection as taught by Leitner '362 where the piston is pushed by the sheath. The Office Action also states that it is well known in the art to provide a reactive force of the sheath covering a cable to acuate certain brake elements and a person skilled in the art would have found it obvious to make use of the reactive force of the cable shift to acuate the piston simply as a part of an alternative equivalent brake actuating mechanism.

However, as Applicant noted above, claim 10 depends on claim 1 and provides for a

pump within the handle bar which includes a piston connected to a respective control lever through a relative cable held within in a sheath, where the cable being fixed to the body of the handle bar or to the part associated with the later, said piston being pushed by the sheath.

The combination of features not taught by the prior art provides several improved effects for the present invention as claimed. For instance, the present invention as claimed has the advantage of providing the unitary single part handle bar which is small in size.

Furthermore, Applicant finds no incentive in Lemarchand '070 reference in combination of D' Aluisio '958 reference to combine it with Leitner '362 reference and the Andrus '675 reference. Absent a teaching or a suggestion of the important feature of the invention, the combined references clearly do not direct the person of ordinary skill in the art toward the combination as claimed.

There must be some suggestion or teaching in the prior art as a whole which would lead the person of ordinary skill in the art to provide a combination as claimed. As the prior art as whole fails to direct the person of ordinary skill in the art toward the claimed combination, the invention should be considered not anticipated, non-obvious, and thus patentable.

Therefore, Applicant finds that the prior art reference as a whole including the Andrus '675 reference and Modolo '649 reference and Leitner '362 reference and D'Aluisio '958 reference and Lemarchand '070 reference do not anticipate the current invention and there is no suggestion or motivation to use the teachings of the references to provide a combination as claimed. As the prior art as a whole fails to suggest the combination of features as claimed, Applicant respectfully requests that the Examiner favorably consider the claims as now presented.

At this time, Applicant respectfully reconsideration of this application in view of the above amendments and remarks, and Applicant respectfully solicits allowance of this application.

It is Applicant's position that all claims are now allowable. Should the Examiner determine that issues remain that have not be resolved by this response, the Examiner is requested to contact Applicant's representative at the number given below.

Favorable action on the merits is respectfully requested.

Respectfully submitted
for Applicant,

By:



John James McGlew
Registration No. 31,903
McGLEY AND TUTTLE, P.C.

JJM/DWK:tf
71277.12

Attached: (2) Replacement Sheets of Drawings

DATED: June 13, 2005
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.